

## UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Ricardo Mitchell

Case: 2:19-mj-30548

Assigned To : Unassigned

Assign. Date : 10/16/2019

Description: SEALED MATTER (NA)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 2018 in the county of Wayne in the  
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

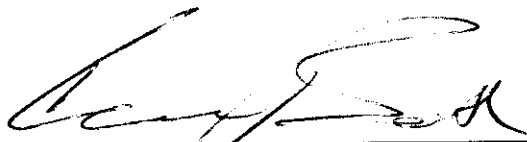
18 U.S.C. § 922(j)

Possession of a stolen firearm

This criminal complaint is based on these facts:

See Attached Affidavit

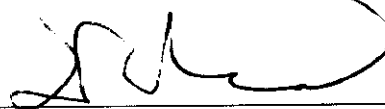
☐ Continued on the attached sheet.

*Complainant's signature*

Candace A. Booth, Special Agent, ATF

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 10/16/2019City and state: Detroit, MI*Judge's signature*

Honorable David R. Grand

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Candace Booth, being duly sworn, do hereby state the following:

**INTRODUCTION**

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) assigned to the Ann Arbor Field Office. I have worked for the ATF for approximately ten years. Prior to ATF, I worked for the United States Border Patrol as a Patrol Agent for approximately two years. I have been involved in numerous firearm and narcotics investigations and have been the affiant on numerous federal search warrants and federal criminal complaints. I have had training at the Federal Law Enforcement Training Center (FLETC) in the Criminal Investigator Training Program and ATF Special Agent Basic Training.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, officers, and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge in this matter.

3. ATF, in conjunction with Michigan State Police (MSP), is conducting an ongoing investigation of Ricardo MITCHELL. Based on the facts set forth below, there is probable cause to believe that, in or about November 2018, in the

Eastern District of Michigan, MITCHELL possessed a firearm, said firearm having travelled in interstate commerce, that MITCHELL knew, or had reasonable cause to believe, had been stolen, all in violation of 18 U.S.C. § 922(j) –possession of stolen firearm.

#### **BACKGROUND ON IDENTITY THEFT AND FRAUD**

4. Through training and experience, I know that individuals can obtain access device information – e.g., credit card numbers- using numerous illegal methods and then use that information to make fraudulent purchases. One such method includes the use of the so called dark web to trade or purchase information, including credit/debit card information, billing addresses, and other personal identifying information (PII). Once an individual has obtained another individual's access device information and/or PII, they can utilize the information to purchase goods online, often with some level of anonymity.

#### **BACKGROUND ON ONLINE PURCHASES OF FIREARMS**

5. There are a variety of Federal Firearm Licensees (FFL) that specialize or primarily operate online. The procedure for purchasing a firearm legally from an out of state/online FFL requires the customer to utilize a “local” FFL within the purchaser's home state, to complete the transfer. A firearm cannot be mailed directly to the purchaser's from out of state; instead, the online FFL sends the firearm to a local FFL. The local FFL then completes the actual transfer of the

firearm, which includes the completion of an ATF Form 4473 (Firearms Transaction Record).

6. The Form 4473 is a standardized form that is used to document a firearm's transfer, determine if the individual is prohibited from receiving a firearm, and verify that the individual is the "actual" transferee/buyer. In other words, if the online FFL is in another state, it is not the online FFL's responsibility to verify the purchaser's identity or ability to purchase a firearm. The local FFL completes the transfer and verifies the requisite information, including by confirming the transferee's identity by reviewing his/her government issued identification.

### **PROBABLE CAUSE**

7. Law Enforcement is investigating a series of firearm purchases from online FFLs using unauthorized credit card information and subsequent transfer of the firearms via local FFLs to individuals in the Eastern District of Michigan.

8. As reflected below, Ricardo MITCHELL has received at least one firearm later determined to have been fraudulently purchased from an online FFL. MITCHELL'S name has also been associated with attempts to purchase several additional firearms from online FFLs in fraudulent transactions, which were cancelled prior to the transfer of the firearm based on suspicion of fraud. MITCHELL'S name appears as the purchaser in each of the purchase order records

for these transactions, and MITCHELL completed an ATF Form 4473 for the one firearm transferred to him at a local FFL. The address information provided in the purchase orders varies, and in none of the purchase orders (including the order that resulted in a physical transfer of a firearm) is MITCHELL'S address with the Michigan Secretary of State provided. The credit card information provided in the purchase order also varies. The online FFLs that received the purchase orders in MITCHELL'S name have confirmed that the credit card used to purchase (or attempt to purchase) each firearm was later determined to have been used without authorization.

10. Boy Rt has been identified as MITCHELL; the phone number listed for Boy Rt, 313-266-3710, was the same number listed on all five of MITCHELL'S online orders to Buds Gun Shop, and on December 20, 2018, SA Booth, acting in an undercover capacity, was present at Joes Gun Shop when MITCHELL attempted to have a fraudulently purchased firearm transferred to him. The firearm was not transferred, and SA Booth asked MITCHELL for a contact number in the event the firearm could be transferred to him at a later date. MITCHELL provided the number 313-266-3710.

11. On December 12, 2018, SA Booth confirmed that MITCHELL did not have any firearms registered with the State of Michigan. On October 15, 2019, SA Booth confirmed that MITCHELL still has not registered any firearms with the

State of Michigan, again showing that MITCHELL was likely aware that the firearm he received was purchased with stolen credit card information.

**NOVEMBER 2018 FRAUDULENT PURCHASE**

12. On November 21, 2018, online FFL Buds Gun Shop received an online order to purchase a FNH, model Five Seven, 5.7x28 caliber pistol, serial number 386353597, for \$1,350.97 dollars. The purchase order and transaction receipt materials from Buds Gun Shop show the following information:

- a. The pistol was sold to “Ricardo Mitchell,” with a billing address in Harvard, Illinois.
- b. The customer name was “Ricardo Mitchell,” with an email address that was a variation on MITCHELL’S name.
- c. Payment was made using a credit card ending in 1928.
- d. The local FFL to which the pistol was shipped was Westborn Gun Shop in Taylor, Michigan.
- e. Thereafter, on or about November 29, 2018, MITCHELL completed an ATF Form 4473 at Westborn Gun Shop and received the pistol.
- f. Buds Gun Shop confirmed that the credit card was used without authorization and the purchase had resulted in a chargeback.

**ATTEMPTED FRAUDULENT PURCHASES**

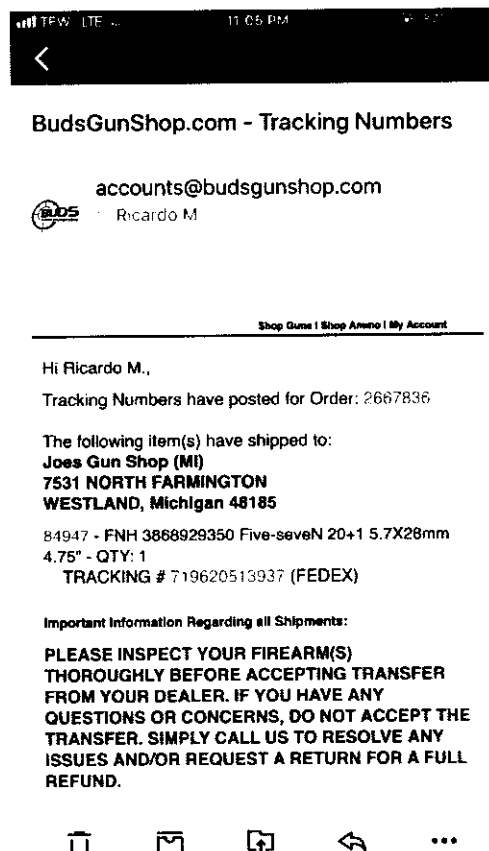
13. Information received from Buds Gun Shop reflects that two additional firearms were ordered in the name of “Ricardo Mitchell,” to be delivered to local FFLs in the Eastern District of Michigan, in November 2018 and December 2018. Neither firearm was transferred to MITCHELL, because Buds Gun Shop flagged the transactions for fraud, which ultimately resulted in chargebacks to both credit cards. The purchase orders had different addresses for the purchaser, different credit card information for the purchaser, yet both purchase orders contained the same phone number as the successful order: 313-266-3710.

14. On December 18, 2018 an order was placed through Buds Gun Shop on December 18, 2018 in the name “Ricardo Mitchell,” using an address in California: order number 2667836. The order was to be shipped to Joes Gun Shop in Westland, Michigan.

15. On December 20, 2018, while acting in an undercover capacity, I was present at Joes Gun Shop when MITCHELL attempted to have a fraudulently purchased firearm transferred to him. The firearm was not transferred, and I asked MITCHELL for a contact number in the event the firearm could be transferred to him at a later date. MITCHELL provided the number 313-266-3710.

16. As part of this investigation, I also reviewed data downloaded from Michael TOBE's cell phone, obtained with a search warrant. TOBE is currently under indictment in the Eastern District of Michigan for charges related to purchasing firearms with fraudulent credit cards. I located a series of messages between TOBE and the phone number 313-266-3710 under the name "Boy Rt." "Boy Rt" is believed to be a nickname for Ricardo Mitchell, whose Facebook account uses the name "RicoTrippin."

17. From Michael TOBE's phone, I located a picture sent to him from Ricardo MITCHELL via text message. The picture was a screenshot of the order confirmation e-mail from Buds Gun Shop for order number 2667839:





18. Based on the series of attempted transactions, resulting in only one successful firearm transfer to MITCHELL, including the use of different fraudulent credit cards, different addresses, different FFLs, and different email addresses, and based upon Ricardo Mitchell sending a screenshot of the confirmation e-mail regarding a known fraudulent firearm purchase to Michael TOBE, Ricardo Mitchell knew or has reasonable cause to believe the firearms were obtained through the use of fraudulent and/or stolen credit card information, and therefore constitute stolen firearms.

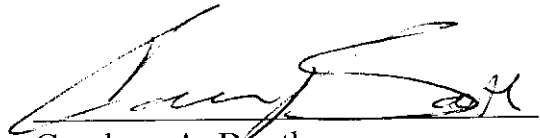
### **INTERSTATE NEXUS**

19. ATF Special Agent (SA) Michael Bolf is a firearm Interstate Nexus trained Special Agent. From the information provided, and based on SA Bolf's training and experience, the FNH Five Seven pistol described in paragraph 9 above was manufactured outside the state of Michigan, and therefore traveled in or affected interstate or foreign commerce. The pistol is a "firearm" as defined in Chapter 44, Title 18, United States Code, Section 921.

### **CONCLUSION**

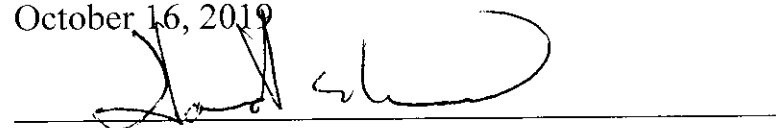
20. Based upon the above information, probable cause exists to believe Ricardo MITCHELL was in possession of the above described firearm, said

firearm having travelled in interstate commerce, in violation of Title 18 U.S.C.,  
Section 922(j).

A handwritten signature in black ink, appearing to read 'Candace A. Booth', written over a horizontal line.

Candace A. Booth  
Special Agent, ATF

Sworn to and subscribed to me in my presence  
and/or by reliable electronic means on  
October 16, 2019

A handwritten signature in black ink, appearing to read 'David R. Grand', written over a horizontal line.

HONORABLE DAVID R. GRAND  
UNITED STATES MAGISTRATE JUDGE